

ARTICLE II

ESTABLISHMENT AND DESCRIPTION OF DISTRICTS

2.01 Classes of Districts.

The Town of Topsfield is hereby divided into eight (8) Districts:

- A. Business District Highway (B-H)
- B. Business District Village (B-V)
- C. Central Residential District (C-R)
- D. Inner Residential and Agricultural District (I-R-A)
- E. Outlying Residential and Agricultural District (O-R-A)
- F. Business Park District (B-P)
- G. Elderly Housing District (EHD)
- H. Business District Highway North (B-H-N)

(Art. 3, 6/25/47; Art. 48, 3/5/56; Art. 29, 5/3/89; Art. 38, 5/6/08)

2.02 Lots in Two (2) Districts.

Where a district boundary line divides any lot existing at the time such boundary line is established, the regulation for the less restricted portion of such lot shall extend not more than fifty (50) feet into the more restricted portion, provided the lot has frontage in the less restricted district.

If a lot existing in two (2) districts is subdivided into two (2) or more lots, any new lot which is created to exist in two (2) districts shall be regulated according to the regulations of the more restricted district.

(Art. 3, 6/25/47; Art. 44, 5/9/78; Art. 23, 5/5/81; Art. 38, 5/7/85; Art. 24, 5/6/86; Art. 47, 5/6/87; Art. 29, 5/3/88)

2.03 Business District Highway.

The Business District Highway shall comprise the area bounded by a line beginning at the junction of Boston Street and South Main Street, thence northerly on South Main Street to Maple Street, thence easterly on Maple Street to a point 300 feet from Boston Street, thence northerly parallel to Boston Street to a point within 150 feet south of the center line of the railroad, thence northwesterly parallel to the center line of the railroad to Summer Street, thence northerly on Summer Street to a point 200 feet north of the center line of the railroad, thence easterly parallel to the center line of the railroad to a point on a perpendicular to Central Street and on the junction of Central Street and the brook passing under Central Street, thence northeasterly on the perpendicular across Central Street to a point 200 feet north of Central Street, thence easterly parallel to Central Street to a point 300 feet west of Boston Street, thence northerly parallel to Boston Street and 300 feet west of Boston Street, thence northerly parallel to Boston Street and 300 feet west of Boston Street to a boundary of the land now or formerly owned by Lape and thence easterly to Boston Street and northerly along western boundary of Boston Street to High Street, thence following High Street to a point 300 feet east of Boston Street, thence southerly parallel to Boston Street and 300 feet east thereof to Maple Street, thence westerly to Boston Street, thence southerly to the junction of Boston Street and South Main Street, the point of beginning.

(Art. 44, 5/9/78; Art. 23, 5/5/81)

2.04 Business District Village.

The Business District Village shall comprise an area bounded by a line beginning at the intersection of Main Street and the center line of the railroad or railroad bed right of way where track has been removed, and following said line westerly to the Proctor School Playground; thence following the southern boundary of the Proctor School playground to Main Street, and crossing Main Street; and following the southern boundary of the Town Library grounds to the brook; following the brook southwesterly until it intersects a parallel to Main Street 250 feet to the southeast thereof, following this parallel across Central Street and Park Street to South Main Street; then following South Main Street north to the center line of the railroad, the point of beginning. (Art. 51, 5/9/78; Art. 23, 5/5/81)

2.05 Central Residential District.

The Central Residential District shall comprise, except for the business districts included therein, the area bounded by a line beginning at the junction of Main Street and Maple Street, thence to a point on Prospect Street, 1,000 feet southwesterly from South Main Street; thence to a point on Washington Street, at the westerly boundary of land formerly owned by Hosmer Eldridge, northeasterly to the end of Colerain Road as presently accepted, thence to the southwest corner of Pine Grove Cemetery; along the southern border of said cemetery to Haverhill Road, thence northerly on Haverhill Road to a point 200 feet north of Pine Street; thence easterly parallel to Pine Street to a point on Ipswich Road, thence to a point on Boston Street 400 feet north of High Street; thence parallel to High Street across Perkins Row to a point where it meets a perpendicular to High Street and its junction with the center line; of the railroad, thence following said perpendicular to said center line; thence up the center line of the railroad northwesterly to a point 200 feet southeasterly of Maple Street; thence westerly parallel to Maple Street to Boston Street, thence southerly on Boston Street to South Main Street, thence northwesterly parallel to South Main Street to the junction of South Main Street and Maple Street, the point of beginning. (Art. 51, 5/9/78; Art. 23, 5/5/81; Art. 42, 5/7/96)

2.06 Outlying Residential and Agricultural District.

The Outlying Residential and Agricultural District shall comprise:

- a. All area in Topsfield south and east of the Ipswich River;
- b. An area in Topsfield east and north of line starting at the junction of the Ipswich River and Howlett Brook following Howlett Brook to a point 300 feet south of Ipswich Road on a perpendicular to said road, thence westerly on a line south of a parallel to Ipswich Road and then Campmeeting Road to a point 200 feet east of Boston Street; thence northerly along a line parallel to and 200 feet east of Boston Street to Town boundary with Town of Ipswich;
- c. An area in Topsfield that is west of North Street and north of Howlett and Pye Brooks;
- d. An area comprising the existing land in Topsfield owned by the Town and used as a sanitary Landfill and located west of Pye Brook and east of the New England Power Company right-of-way;
- e. An area consisting of all existing land in Topsfield owned by the Massachusetts Audubon Society;
- f. An area consisting of land bounded by a line beginning at the intersection of Boston Street and Howlett Street; thence westerly along Howlett Street to a point where boundary of Central Residential District crosses Howlett Street; thence northwesterly along said boundary to Ipswich Road, thence easterly along Ipswich Road to westerly property line of lot 79, thence southerly along said property line to southern boundary of line of said lot,

then easterly along southern boundary lines of lots 79, 83, 85L, 87, 101 and 107 to center line of Boston Street; thence southerly on Boston Street to point of beginning.
(Art. 3, 6/25/47; Art. 48, 3/5/56; Art. 51, 5/9/78; Art. 23, 5/5/81)

2.07 Inner Residential and Agricultural District.

The Inner Residential and Agricultural District shall comprise all the land remaining outside the Business District Highway, Business District Village, Business District Highway, Business District Highway North, Business Park District, and Central Residential and Outlying Residential and Agricultural Districts. (Art. 51, 5/9/78; Art. 23, 5/5/81)

2.08 Zoning Map.

The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Topsfield, Essex County Massachusetts" and drawn to a scale of 1 inch to 1200 feet which accompanies and is hereby declared to be a part of this By-Law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map referred to in Article II of the Zoning By-Law of the Town of Topsfield, Massachusetts, which was approved by the Town Meeting on May 7, 1996". Said Map was reprinted by James W. Sewall Co. January 01, 2001.
(Art. 44, 5/9/78; Art. 23, 5/5/81, Art. 42, 5/7/96)

2.09 Business Park District.

The Business Park District shall comprise an area bounded by a line perpendicular to Boston Street beginning at the center line of Boston Street and 200 feet southerly of intersection of Boston Street and Campmeeting Road; thence westerly along said perpendicular to North Street; thence northwesterly along North Street to Town boundary (with Town of Ipswich); thence northeasterly along Town boundary to intersection of center line of Boston Street; thence southerly along center line of Boston Street to a point opposite the northwesterly corner of land now or formerly of Arthur Gaklis (which is located on the easterly side of said Boston Street) (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown on Plot 461C, Map 2, Lot 11 on the Topsfield Assessors' Map) thence southeasterly along the northerly line of property of said Gaklis to a point 250 feet easterly of Boston Street; thence along a line parallel to Boston Street and 250 feet east of Boston Street to a line perpendicular to Boston Street and 200 feet south of the intersection of Boston Street and Campmeeting Road.

(Art. 44, 5/9/78; Art. 23, 5/5/81; Art. 47, 5/3/86)

2.10 Elderly Housing District.

It being determined to be consistent with the purposes of the Zoning By-Law, as amended, and the Master Plan for the Town, the property as described hereafter (being approximately one hundred fifty (150) acres known as Great Hill bounded generally by Newburyport Turnpike, Ipswich Road and Howlett Street) is rezoned as an Elderly Housing District, and the Zoning Map of the Town of Topsfield, Massachusetts, is so amended.

A. Great Hill

The legal description of the property referred to above is comprised of that area of land situated in the Town of Topsfield, bounded and described as follows:

Southeasterly by Newburyport Turnpike (also known as Boston Street) two thousand five hundred twenty and 87/100 (2,520.87) feet;

Southeasterly by Howlett Street ninety-two and 54/100 (92.54) feet;

Southerly by said Howlett Street two thousand eight hundred thirty-one and 88/100 (2,831.88) feet;

Southwesterly by land of William and Ellen McLaughlin and land of David R. and Carol H. Drake six hundred forty-three and 95/100 (643.95) feet;

Southwesterly by land of Hilda Rouff fifty and 00/100 (50.00) feet;

Northwesterly by land of the Estate of Alexander Houston and land of Frederick V. and Deborah D. Moulton three hundred seven and 06/100 (307.06) feet;

Southwesterly of said land of Frederick V. and Deborah D. Moulton one hundred fifty-six and 32/100 (156.32) feet;

Northwesterly by Ipswich Road seven hundred sixty-two and 22/100 (762.22) feet;

Northeasterly by land of William W. and Janet P. Kimball one hundred five and 99/100 (105.99) feet;

Southwesterly by said land of William W. and Janet P. Kimball one hundred three and 16/100 (103.16) feet,

Northerly by Ipswich Road one thousand eight hundred seventy-nine and 33/100 (1,879.33) feet;

Easterly by land of David L. and Daryl A. Townsley two hundred sixty-eight and 54/100 (268.54) feet;

Northerly by said land of David L. and Daryl A. Townsley and land of William P. Travers and Carol Stuart-Travers two hundred eighty-nine and 29/100 (289.29) feet;

Westerly by said land of William P. Travers and Carol Stuart-Travers two hundred seventy-one and 15/100 (271.15) feet;

Northeasterly by Ipswich Road one hundred fifty and 29/100 (150.29) feet;

Easterly by land of Robert T. and Elizabeth L. Smales three hundred sixteen and 60/100 (316.60) feet;

Northerly by said land of Robert T. and Elizabeth L. Smales and land of Robert T. and Donna L. Wilson two hundred ninety and 91/100 (290.91) feet;

Northwesterly of said land to Robert T. and Donna L. Wilson two hundred seventy-seven and 83/100 (277.83) feet;

Northeasterly by Ipswich Road sixty-seven and 50/100 (67.50) feet;

Southeasterly by land of Alice Moseley Granlund two hundred eighty-two and 41/100 (282.41) feet;

Northerly by said land of Alice Moseley Granlund one hundred thirty-seven and 92/100 (137.92) feet;

Northwesterly by said land of Alice Moseley Granlund two hundred seventy-one and 44/100 (271.44) feet;

Northeasterly by Ipswich Road one hundred fifty-nine and 91/100 (159.91) feet;

Southeasterly by land of Erwin W. Haynes four hundred eleven and 33/100 (411.33) feet;

Northeasterly by said land of Erwin W. Haynes two hundred nineteen and 79/100 (219.79) feet,

Northwesterly by said land of Erwin W. Haynes four hundred fifty six and 35/100 (456.35) feet;

Northeasterly by Averill Street three hundred five and 43/100 (305.43) feet;

The above described parcel of land contains an area of 150.7963 acres and is more particularly shown on a plan entitled: "Plan of Land in Topsfield, MA Property of Roberta L. Cargill, Scale 1" = 200', Aug. 7, 1992, Donohoe and Parkhurst, Inc., 305 Willow St., S. Hamilton, MA". Said plan consists of three sheets and was recorded with the Essex South District Registry of Deeds on February 4, 1993 immediately following Instrument No. 311.
(Art. 15, 5/5/1993)

B. English Commons of Topsfield Elderly Housing District

It being determined to be consistent with the purposes of the Zoning Bylaw, as amended, and the Master Plan for the Town, the property as described hereafter, being approximately sixty-eight and 83/100 (68.83) acres (less 14,979 square feet, as is described below), known as "English Commons at Topsfield", formerly called "Page Estate", and being shown as parcel 1 on Topsfield Assessors' Map 81 (revised to January 1, 1998) and being bounded on the East by Boston Street (Newburyport Turnpike, U.S. Route 1) and on the West by Rowley Bridge Road, is rezoned as an Elderly Housing District, and the Zoning Map of the Town of Topsfield, Massachusetts, is so amended.

The legal description of the property referred to above is comprised of that area of land situated in the Town of Topsfield, bounded and described as follows:

That certain parcel of land situated on the easterly side of Rowley Bridge Road in Topsfield, Massachusetts, bounded and described as follows:

Beginning at a point on a stone wall on the easterly sideline of Rowley Bridge Road, said point being located N 09° 44' 13" W a distance of One Hundred Seventy One and 57/100 (171.57) feet from a MASS Highway Bound, and also being located S 09° 44' 13" E a distance of Two Hundred Thirteen and 83/100 (213.83) feet from a second MASS Highway Bound;

Thence running N 85° 02' 49" E for a distance of Five Hundred Eighty Six and 68/100 (586.68) feet to a point;

Thence turning and running S 32° 42' 18" E for a distance of Three Hundred Ninety Seven and 53/100 (397.53) feet to a point on the Topsfield / Danvers Town Line;

Thence turning and running along said Town Line N 65° 13' 14" E for a distance of Seven Hundred Sixty One and 44/100 (761.44) feet to a point on the sideline of US Route 1, Newbury Port Turnpike;

Thence turning and running along said Newbury Port Turnpike N 33° 09' 20" E for a distance of Five Hundred Fifty Two and 07/100 (552.07) feet to a MASS Highway Bound;

Thence running along said Newbury Port Turnpike N 33° 09' 20" E for a distance of Four Hundred Ninety Eight and 47/100 (498.47) feet to a point;

Thence turning and running N 16° 09' 10" W for a distance of Ten and 48/100 (10.48) feet to an iron pipe;

Thence running N 16° 09' 10" W for a distance of Three Hundred Eighty One and 52/100 (381.52) feet to a drill hole at a stonewall corner;

Thence running along said stonewall N 11° 19' 50" W for a distance of One Hundred Seventy Seven and 63/100 (177.63) feet to a drill hole in said stonewall;

Thence running along said stonewall N 11° 19' 50" W for a distance of Seventy Nine and 45/100 (79.45) feet to a point at the end of said stonewall;

Thence turning and running N 45° 28' 14" W for a distance of Thirty One and 44/100 (31.44) feet to a stone bound with drill hole;
Thence running N 37° 04' 27" W for a distance of Two Hundred Eighty Six and 61/100 (286.61) feet to a stone bound with drill hole;

Thence running N 21° 44' 01" W for a distance of Five Hundred Ninety and 89/100 (590.89) feet to a stone bound with drill hole;

Thence running N 40° 44' 32" W for a distance of Four Hundred Eleven and 49/100 (411.49) feet to a stone bound with drill hole;

Thence turning and running S 48° 59' 35" W along a stonewall for a distance of One Hundred Fifty One and 01/100 (151.01) feet to a drill hole in said stonewall;

Thence running S 51° 19' 04" W along said stonewall for a distance of Three Hundred Sixty Seven and 56/100 (367.56) feet to a drill hole in said stonewall;

Thence running S 52° 26' 04" W along said stonewall for a distance of One Hundred and 95/100 (100.95) feet to a drill hole in said stonewall;

Thence running S 64° 40' 36" W along said stonewall for a distance of One Hundred Ninety Five and 58/100 (195.58) feet to a drill hole in said stonewall;

Thence running S 61° 06' 10" W along said stonewall for a distance of One Hundred Forty Eight and 31/100 (148.31) feet to a drill hole a stonewall corner;

Thence turning and running S 05° 24' 43" W for a distance of Two Hundred Sixty Six and 47/100 (266.47) feet to a point;

Thence turning and running S 84° 35' 17" E for a distance of Two Hundred Ninety Six and 35/100 (296.35) feet to a point;

Thence running S 81° 40' 32" E for a distance of One Hundred Twenty Eight and 12/100 (128.12) feet to a point;

Thence turning and running S 12° 03' 54" E for a distance of Six Hundred Ninety Four and 80/100 (694.80) feet to a point;

Thence turning and running S 71° 43' 07" W for a distance of One Hundred Seventeen and 95/100 (117.95) feet to a point;

Thence turning and running S 02° 19' 17" E for a distance of Three Hundred Seventy and 30/100 (370.30) feet to a point;

Thence turning and running S 64° 26' 24" W for a distance of One Hundred Twenty Seven and 48/100 (127.48) feet to a point;

Thence running S 72° 03' 06" W for a distance of Six Hundred Thirty Two and 80/100 (632.80) feet to a point;

Thence running S 52° 07' 20" W for a distance of Two Hundred Eighty Four and 91/100 (284.91) feet to a point at the sideline of said Rowley Bridge Road;

Thence turning and running along said Rowley Bridge Road S 18° 34' 40" E for a distance of Seventy Nine and 31/100 (79.31) feet to a before referenced MASS Highway bound;

Thence running along said Rowley Bridge Road S 09° 44' 13" E for a distance of Two Hundred Thirteen and 83/100 (213.83) feet to the point of beginning.

Meaning and intending to describe land with the buildings thereon as described in Deed Book 15761, Page 128, consisting of 68.83 acres (minus 14,979 square feet) to the Trustees of Boston College dated 22 June 1999.

Shown on a plan entitled "Plan of Land in Topsfield, MASS, owned by B.J.P Realty Trust, George W. Page, Trustees, Scale 1" equals 100' dated November 3, 1981, made by Hayes Engineering, Inc., Civil Engineers and Land Surveyors" and recorded with Essex South District Registry of Deeds in Plan Book 171, Plan 38, containing 68.83 acres of land all as set forth on said plan to which the plan reference is made. Excepting from the aforementioned plan Lot 21B as shown on a plan of land entitled "Plan of Land in Topsfield, Mass., Scale 1" equals 100', August 21, 1984, Hayes Engineering Inc." and recorded with said Registry of Deeds in Plan Book 190, Plan 75, containing 14,979 square feet of land all as set forth on said plan. Said exception shown as an undefined triangle in the northwest corner of the first referenced plan. (Art. 32, 5/6/2008)

C. New Meadows Golf Course Elderly Housing District

It being determined to be consistent with the purposes of the Zoning By-Law, as amended, and the Master Plan for the Town, the property as described hereafter, being approximately fifty-two acres known as " the New Meadows Golf Course" and being shown as lots as Block 4 and Block 5 on Assessors Map 8 and further described in the Deed recorded with the Essex South District Registry of Deeds in Book 25001 Page 351 and being bounded generally by the Newburyport Turnpike (Route 1) and Wildes Road is rezoned as an Elderly Housing District, and the Zoning Map of the Town of Topsfield, Massachusetts, is so amended.

The legal description of the property referred to above is comprised of that area of land situated in the Town of Topsfield, bounded and described as follows:

Parcel I Beginning on the Easterly side of the Newburyport Turnpike at land now or formerly of Tilton Brothers; thence turning and running in an Easterly direction as the wall now stands by said Tilton Brothers land to land now or formerly of Price; thence turning and running by said Price land Easterly to a brook; thence turning and running Southerly as the brook now runs by land now or formerly of Bell and by land now or formerly of Palmer to Wildes Street; thence turning and running Westerly by Wildes Street to land now or formerly of Donaldson; thence turning and running Northerly by said Donaldson land as the wall stands to the center of the driveway; thence turning and running in a Southerly direction by said driveway as the wall now stands to a stone wall at land now or formerly of Palumbo to the Newburyport Turnpike; thence turning and running Northerly by the Newburyport Turnpike to said Tilton Brothers land and the point of beginning.

Parcel II A parcel of land containing four acres, more or less, on the Easterly side of the Newburyport Turnpike, sometimes called "Wildes Field" and bounded and described as follows:

SOUTHERLY	By Parcel I above;
WESTERLY	By the Newburyport Turnpike;
NORTHERLY and EASTERLY	By land formerly of Bell.

Parcel III A parcel of Land bounded and described as follows:
Containing approximately 6.4 acres of woodland and swamp, and being shown as the lot containing 6.4 acres on the plan entitled, "Plan of Land in Topsfield, Mass., for Clarence E Savolainen, et ux, Route 1, 1922 Layout, Meridian Scale 1" = 40", drawn by Walter W. Martin, Registered Land

Surveyor, 196 Laurel Street, Melrose, Mass., dated December, 1961” and recorded with the Essex South District Registry of Deeds in Plan Book 98 as Plan 42.

Parcel IV A parcel of land, containing one acre, more or less, bounded and described as follows:

SOUTHERLY by way leading from the Newburyport Turnpike to the house now or formerly or Foster;

NORTHWESTERLY by the way leading from said Turnpike to the house now or formerly of Perkins; and

EASTERLY by other land now or formerly of Perkins”,

Shown on a plan entitled “Plan of Land located in Topsfield, Mass., Prepared by Eastern Land Survey Associates, Inc., Christopher R. Mello, PLS, 104 Lowell St., Peabody, MA. 01986, Scale: 1” = 100’, March 1, 2007 Prepared For New Meadows Enterprises LLC. (Art. 33, 5/6/2008)

2.11 Business District Highway North

The Business District Highway North shall be comprised of the following lots or portions thereof, and shall be referred to by the lot number and the Assessor’s map number. Starting in the District’s southeast corner and proceeding north: lot #60, map 26, lot #15, map 26, lot #14, map 26 except that the easterly bound of the Business District Highway North shall lie 230 feet east of the center line of Boston Street, and ending with lot #13, map 26. On the westerly side of Boston Street: lot #1, map 19, lot #12, map 26, lot #11, map 26, and south of Ipswich Road and west of Boston Street: Lot #1, map 26. (Art. 34, 5/6/2008)